

CANNON BUILDING  
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DOVER, DELAWARE 19904-2467

STATE OF DELAWARE  
**DEPARTMENT OF STATE**

DIVISION OF PROFESSIONAL REGULATION

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<b>MEETING MINUTES:</b>	<b>BOARD OF PROFESSIONAL LAND SURVEYORS</b>
<b>DATE AND TIME:</b>	<b>Thursday, January 20, 2011 at 8:30 a.m.</b>
<b>PLACE:</b>	861 Silver Lake Boulevard, Dover, Delaware <b>Conference Room A</b> , second floor of the Cannon Building
<b>APPROVED:</b>	February 17, 2011 and August 18, 2011

**MEMBERS PRESENT**

Michael Szymanski, Professional Member  
Laurence McBride, Professional Member  
James Bielicki, Jr., Professional Member  
Mary Chvostal, Public Member  
Frank Szczuka, Public Member

**DIVISION STAFF**

Sandra Wagner, Administrative Specialist III

**MEMBERS ABSENT**

Steven Sellers, Professional Member  
Frederick Schranck, Deputy Attorney General

**PUBLIC**

John Johnson

**CALL TO ORDER**

Mr. Szymanski called the meeting to order at 8:52 a.m.

**Review and Approval of Minutes**

Mr. Szymanski moved to have the minutes amended, with a change under Unfinished Business. Mr. McBride made a motion, seconded by Ms. Chvostal to approve the minutes with change for December 16, 2010. The motion was unanimously approved.

**Unfinished Business**

Discussion with Mr. Schranck

Mr. Schranck addressed the Board and let them know that he was not going to be able to attend the meeting and that he wanted to give the Board an update on the Lawsuit that was being brought against the Board for the New "MIS" Regulation that the Board voted on previously. Mr. Schranck explained to the Board the consequences of the Lawsuit. Mr. Szczuka asked Mr. Schranck if Jim Bielicki should be allowed to participate in any of the talk because he had the appearance of impropriety under Delaware "code of conduct", in that Mr. Bielicki does the majority of his business with MIPS's. Mr. Schranck answered Mr. Szczuka that he didn't think that there was a problem with Mr. Bielicki voting and being involved. Mr. Szymanski stated that Mr. Bielicki did vote for some of the items.

#### Discussion with Mr. Collins

Mr. Szymanski initiated a discussion with Mr. Collins regarding the complaint process. Mr. Szymanski asked Mr. Collins if some of the complaints that come in can be handled by the Board and not have to go to the investigators. This would only be for minor complaints that come into the Division of Professional Regulation. This would have to be discussed with all parties before something like that could occur. Mr. Collins expressed to the Board about how the Division now has full time Deputy Attorneys that are dedicated to the Division and also two prosecuting attorneys. The division is in the process of adding hearing officers to help move the cases along as well. Mr. Szymanski asked if the hearings will still be heard by the Board. Mr. Collins explained that the Board would hold the hearings when the cases deal with the profession of Land Surveying. Mr. Collins stressed to the Board that the division has hired two new investigators and with having the hearing officers the Division is moving in the direction of being able to get the complaints taken care more efficiently. Mr. Collins addressed some concerns about the management of the Division not sitting in on the meetings lately. Mr. Collins expressed that he would like to be at the meetings more often as would the Deputy Director; however, his responsibilities dictate his time. Mr. Collins assured the Board that if the Board had something they need to discuss with him or his Deputy Director they would be more than willing to attend a meeting after receiving notice from Ms. Wagner. Mr. Szczuka asked Mr. Collins how the Deputy Attorney General can dismiss complaints without letting the Board know. Mr. Collins said that the Law states that the Deputy Attorney General's office has that discretion.

#### Discussion of Complaint 05-01-09

This discussion will be moved to April's Board meeting.

### **NEW BUSINESS**

#### Courses for Continuing Education Approval

Mr. Szymanski reviewed the application from Michael Ray for PDHs. Mr. Bielicki made a motion, seconded by Mr. McBride, to approve the CE courses based on the review that Mr. Szymanski made of the application for PDHs. The approval is for a total of 52.5 PDHs and none of which are approved for ethics. The motion was unanimously approved.

#### Review of Applications for Examination

Mr. Bielicki reviewed the application for Mr. Joseph Wichess. Mr. McBride made a motion; seconded by Ms. Chvostal, to approve Mr. Wichess's application and to allow him to sit for the examination. Discussion of motion, Mr. Szczuka wanted to know if the motion should include that the recommendation was approved by the other members of the Board from Mr. Bielicki's review of the application. Members of the Board felt that they

gave Mr. Bielicki the responsibility to review all applications at a previous meeting and that they shouldn't have to put that in the motion. The Board decided that Mr. Bielicki should be the one making the motion. Mr. McBride resends his motion. Mr. Bielicki made the motion, seconded by Mr. McBride, to approve the application by examination for Mr. Wichess. The motion passed by majority vote with Mr. Szczuka opposing.

Mr. Bielicki reviewed the application for Mr. Paul Hayden.  
Mr. Bielicki made a motion, seconded by Ms. Chvostal, to propose to deny the application of Mr. Hayden due to not having enough verified hours. Mr. Hayden is short by 25 months. Mr. Hayden will have to provide additional verified hours to the Board in order to be reviewed again for application approval. The motion passed by majority vote with Mr. Szczuka opposing and Mr. McBride abstaining.

#### Review of Application for Reciprocity

Mr. Bielicki reviewed the application for Mr. James Morrison Jr.  
Mr. Bielicki made a motion, seconded by Ms. Chvostal, to approve Mr. Morrison's application and approval to sit for the jurisprudence and drainage exams. The motion passed by majority vote with Mr. Szczuka opposing.

#### Ratification of Issuance of Land Surveying Certificates of Authorization

Mr. McBride made a motion, seconded by Ms. Chvostal, to approve the ratification of Borbas Surveying and Mapping, LLC for certificate of authorization. The motion passed by majority vote with Mr. Szczuka abstaining.

#### Complaint Assignments

There were no new complaint assignments.

#### Complaint Status

The deliberations of complaint 05-06-09 have been completed. This will be removed from the agenda.

#### Hearings/Consent Agreements/Board Orders

None

#### Closed Complaints

None

#### Wall Certificates

None

#### Audit Compliance Update

No updates at this time.

#### **OTHER BUSINESS BEFORE THE BOARD (FOR DISCUSSION ONLY)**

Mr. Szczuka felt that Mr. Collins was just pacifying the Board with his comments earlier. Mr. Szczuka said he feels the management team of Professional Regulation should be attending more meetings than they have been lately. Mr. Szymanski would like to have an

informal conversation in the future outside the meeting venue, with Mr. Collins, Mr. Nickerson, Mr. Schranck, and Ms. Gadbois.

Mr. Szymanski would like Ms. Wagner to check with the Governors office about filling the vacancy for the public member of the Board. He also wants to check if the replacement for Mr. Sellers will be attending the March meeting.

**PUBLIC COMMENT**

There was no public comment.

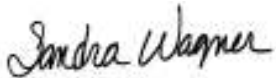
**NEXT MEETING**

The next scheduled meeting of the board is February 17, 2011 at 8:30 a.m. in Conference Room A, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

**ADJOURNMENT**

There being no further business before the Board, Mr. McBride made a motion, seconded by Ms. Chvostal to adjourn the meeting at 10:20 p.m. The motion was unanimously approved.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Sandra Wagner".

Sandra Wagner  
Administrative Specialist III